

REMARKS

Claims 1 - 5 remain in this application. Claims 1 - 5 are subject to a restriction requirement. Claims 3 and 4 are temporarily withdrawn from consideration herein.

Claims 1 - 5 are amended herein.

The Office Action requires election of species from the following: Species A, wherein reference values are based on an analytical, mathematically assumed course of bone density loss, as recited according to claim 3; Species B, wherein reference values are empirical values based on a hypothetical, assumed course of bone density loss, as recited according to claim 4; and Species C, wherein the reference values are actual values obtained from patients having a known amount of bone density loss, as recited according to claim 5.

The Office Action indicates that claims 1 and 2 are generic.

Applicant hereby elects Species C.

Claims 1, 2, and 5 are readable on the elected species C.

Applicant recognizes that if a generic claim should be found allowable, applicant is also entitled to consideration of the patentability of the other non-elected species. Should one of the generic claims, or the claim to the elected species not be found allowable, Applicant reserves the right to file one or more Divisional application(s) at a later date, containing claims drawn to the presently non-elected species.

The present application is a National Stage PCT Application filed under 35 USC §371. Accordingly, election of an invention is not required where a unity of invention exists among the claims. PCT Rules 13.1 and 13.2 and 37 C.F.R. 1.475 are to be followed in making a unity of invention determination without regard to restriction practice in applications filed under 35 USC §111. MPEP §1893.03(d). Similar considerations apply to genus/species or combination/subcombination situations. MPEP §1850 (A).

Applicant traverses the restriction on the grounds that the restriction is improper because it is asserted under 35 USC §121 and therefore applies an incorrect standard.

In the present application, unity of invention is demonstrated by claim 1 and claim 2 subject matter being generic. Should the restriction requirement not be withdrawn, applicant respectfully requests that a further action applying the correct standard be issued.

Applicant also traverses the restriction requirement on the grounds that there is a technical relationship among the claimed inventions involving at least one special technical feature which is sufficient to establish unity of invention. Each of the claims includes performance of all of the same steps, as recited according to claim 1. Therefore, all of the claims have all technical features in common, with the only difference being the source and nature of the data that is used and

processed in the performance of the method.

In view of the above, reconsideration and withdrawal of the restriction requirement are respectfully requested.

Applicant respectfully requests a one month extension of time for responding to the Office Action. Please charge the fee of \$110.00 for the extension of time to Deposit Account No. 10-1250.

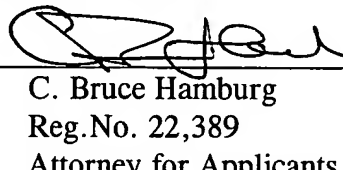
In light of the foregoing, the application is now believed to be in proper form for allowance of all claims and notice to that effect is earnestly solicited.

Please charge any deficiency or credit any overpayment to Deposit Account No. 10-1250.

Respectfully submitted,

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